



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: September 23, 2009

CBCA 1281

L & H CONSTRUCTION CO., INC.,

Appellant,

v.

DEPARTMENT OF THE INTERIOR,

Respondent.

Lisa H. Lesser and Charles F. Kenny of Peckar & Abramson, P.C., River Edge, NJ, counsel for Appellant.

Colleen M. Dulin, Office of the Regional Solicitor, Department of the Interior, Lakewood, CO, counsel for Respondent.

DANIELS, Board Judge (Chairman).

ORDER

Under a contract awarded by the Department of the Interior's National Park Service, L & H Construction Co., Inc. (L & H) performed construction work at the Edison National Historic Site in New Jersey. The contract was terminated for the convenience of the Government. L & H then submitted a claim in the amount of \$1,514,637 for termination costs; costs the contractor alleged it was owed due to delay, unabsorbed overhead, and extra work it performed; and damages asserted by a subcontractor to L & H, Circle Redmont, relating to building and installing stairs in one of the buildings. The contracting officer decided that L & H was entitled to \$380,150. L & H appealed her decision.

The parties have now settled the case. The agency has agreed to compensate L & H in the amount of \$490,000, and separately to pay \$231,400 to Circle Redmont. The parties have asked the Board to dismiss the case with prejudice.

The parties' joint request is granted. The case is **DISMISSED WITH PREJUDICE**.

STEPHEN M. DANIELS
Board Judge